

FEDERAL COMMUNICATIONS COMMISSION
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September 15, 2010

William J. Link, President
Joy Broadcasting, Inc.
801 Asbury Avenue, Suite 602
Ocean City, New Jersey 08226

Re: Joy Broadcasting, Inc
WXGN(FM), Egg Harbor Township, New Jersey
Facility Identification Number: 32338
Special Temporary Authority

Dear Mr. Link:

This is in reference to the request filed August 12, 2010, on behalf of Joy Broadcasting, Inc ("JBI"). JBI requests special temporary authority ("STA") to operate Station WXGN with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, JBI states that the licensed site has become unavailable and that it must relocate its antenna. JBI requests STA for operation across the street from the current site.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that the proposed STA operation complies with Section 73.1680. Our review further indicates that Application BPED-02100812ACI was dismissed by the staff on August 19, 2010; thus STA is necessary to provide time for JBI to resolve the deficiencies in its application and for the filing and processing of a new application for permanent facilities.

Accordingly, the request for STA IS HEREBY GRANTED. Station WXGN may operate with the following facilities:

Geographic coordinates:	39° 16' 47" N, 74° 34' 29" W (NAD 1927)
Channel	213 (90.5 MHz)
Effective radiated power:	0.37 kilowatt (Max-DA, V only)
Antenna manufacturer and type	Scala, FM/VRM-50N, Directional
Antenna orientation	315° True
Antenna height:	
above ground:	32 meters
above mean sea level:	34 meters
above average terrain:	34 meters

¹ WXGN is licensed for operation on Channel 213A (90.5 MHz) with effective radiated power of 0.5 kilowatt (Max-DA, V only) and antenna height above average terrain of 25 meters.

It is anticipated that an application for construction permit to relocate the station and/or to change the community of license will be filed prior to the expiration date below. JBI must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **March 15, 2011**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Joy Broadcasting, Inc